



July 14, 2023

DNR No. DC0224

Mr. Nick Bower, PE Environmental Engineer  
Capital Area Regional Planning Commission  
100 State Street; Suite 400  
Madison, WI 53703

Subject: [CARPC Sewer Service Area Plan Amendment Request #2305 for Waunakee USA](#)

Dear Mr. Bower:

On April 17, 2023, the Wisconsin Department of Natural Resources (department) received the proposed Sewer Service Area (SSA) Plan Amendment Request #2305 from the Capital Area Regional Planning Commission (CARPC) for the Village of Waunakee.

#### Amendment Area

The Village of Waunakee has submitted a request for a sewer service area amendment to the Dane County Water Quality Plan. The proposed amendment is currently in the Village of Waunakee, located south of Woodland Drive and west of Century Avenue/CTH Q. This area (approximately 125 acres) was originally brought into the Waunakee Urban Service area in 2018 and is subject to CARPC Resolution [No. 2017-21](#), by reference in the department approval letter dated January 11, 2018 ([DC-0191](#)).

Resolution No. 2017-21 included several conditions of approval related to stormwater management, environmental corridors and resource management, and wastewater capacity. The Village's amendment request is to remove condition (1)(e) of CARPC Resolution No. 2017-21 or amend it to be consistent with current ordinance requirements related to stormwater infiltration. No other conditions of Resolution 2017-21 are proposed to be amended. The proposed amendment area is in the Sixmile Creek (HUC 12: 070900020602) watershed. The amendment would remove the requirement to "infiltrate 100% of the increased post-development runoff volume from the 100-year, 24-hour design storm in accordance with the Town of Westport Stormwater Ordinance". While the Village is able to achieve a relatively high level of infiltration (approximately 93%), they are unable to meet the 100% requirement of volume control due to site soil conditions having generally poor infiltration capacity.

#### Environmentally Sensitive Areas and Water Quality Concerns

The final stormwater management plan may be fine-tuned as final construction plans are developed; however, it is expected that the final volume of infiltration achieved will remain above the 90% level (for the average annual rainfall) required by current Village of Waunakee and Dane County Stormwater ordinances. The Village submitted a revised stormwater management plan, dated May 24, 2023, the revised plan achieved 93.3% infiltration of the predevelopment infiltration volume for the average annual rainfall. It appears the development team has made reasonable accommodations to meet the volume control standard required by ordinance to the maximum extent possible.

### Local Review & Public Involvement

The Waunakee-Westport Joint Planning Commission recommended approval of the amendment and the Village of Waunakee Village Board passed Resolution No. R23-6, authorizing Village staff to pursue the urban service area amendment. The Town of Westport has been notified of the proposed amendment and has not objected to it. The proposed amendment would remove a higher standard for runoff volume control than is the current Village of Waunakee and Dane County Stormwater ordinances; it would not remove the requirement for volume control altogether, nor remove any other standards related to stormwater management.

The amendment was reviewed by CARPC technical staff; [the report](#) indicates that the amendment is consistent with water quality standards under Wis. Stat. § 281.15, and the adopted Policies and Criteria for the Review of Sewer Service Area Amendments to the Dane County Water Quality Plan, by meeting state and local requirements and agreements identified below, as well as those prior conditions of Resolution [No. 2017-21](#) which are unaffected by this amendment.

A public hearing was held on the proposed amendment at the May 11, 2023, Regional Planning Commission (RPC) meeting. The Village of Waunakee Community Development Director, consulting engineer for the Village, and the engineering consultant for the proposed development gave an overview and spoke in favor of the amendment. There were no registrants attending the public hearing opposed to the amendment. There was one written comment received prior to the meeting, which is included as Attachment 1 in the CARPC [Staff Report](#). Commissioners inquired about State Statute 281.33(6)(a)1., the proposed stormwater management plan for the development, design alternatives, and stormwater standards. Staff addressed these questions and comments either during the public hearing or within the Staff Report. The meeting audio and video can be found on the [CARPC website](#). At the June 8, 2023 RPC meeting, CARPC voted to recommend approval of this amendment to the department based on the land uses and services proposed, and in recognition of the state and local requirements ([see CARPC WQM Letter](#)).

### Administrative Decision

The department finds the proposed amendment is consistent with adopted policies and procedures of the Areawide Water Quality Management Plan under ch. NR 121, Wis. Adm. Code and section 283.83, Wis. Stats. Additionally, the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved with considerations recommended by CARPC in their Resolution No. 2017-21 and June 8, 2023 transmittal letter, “Plan Request #2305” ([see CARPC WQM Letter](#)). The department approves this amendment action:

1. Removal of condition 1(e) from CARPC Resolution No. 2017-21, which stated:

*“Infiltrate 100% of the increased post-development runoff volume from the 100-year, 24-hour design storm in accordance with the Town of Westport Stormwater Ordinance.”*

2. Prior conditions of Resolution [No. 2017-21](#) are unaffected by this amendment, with minor exceptions due to updated Village and County stormwater ordinances.

The department also approves the following additional considerations recommended in the transmittal letter “Plan Request #2305” based on the land uses and services proposed, and in recognition of the state and local requirements:

1. State and local review and approval of stormwater management plan(s) is required, including Regional Planning Commission staff review and approval as part of the sewer extension review process.

a. Stormwater and erosion control practices are required to be installed prior to other land disturbing activities. Infiltration practices are required to be protected from compaction and sedimentation during land disturbing activities.

b. Peak rates of runoff are required to be controlled for the 1-, 2-, 10-, 100-, and 200-year 24-hour design storms to “pre-development” levels, in accordance with current Village of Waunakee and Dane County Stormwater Ordinances.

c. Sediment control is required that achieves at least 80% sediment control for the amendment area based on the average annual rainfall, with a minimum of 60% of that control occurring prior to infiltration for residential land uses and 80% occurring prior to infiltration for commercial, industrial, and institutional land uses, in accordance with current Village of Waunakee and Dane County Stormwater Ordinances.

d. Runoff volume control is required that maintains the post development stay-on volume to at least 90% of the pre-development stay-on volume for the average annual rainfall period, in accordance with current Village of Waunakee and Dane County Stormwater Ordinances.

e. Maintaining pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey’s 2012 report, Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model (a range of 9 to 10 inches/year) for the amendment area or by a site-specific analysis, when required by the Village of Waunakee and Dane County Stormwater Ordinances.

f. Treat the first one-half inch of runoff to provide oil and grease control using the best available technology for commercial, institutional, and any other land uses where the potential for pollution by oil or grease, or both, exists. This is consistent with the standards currently required by Dane County and Village of Waunakee ordinances.

2. Easements and perpetual legal maintenance agreements with the Village, to allow the Village to maintain stormwater management facilities if owners fail to do so, are required for any facilities located on private property.

3. Environmental corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the Dane County Water Quality Plan.

CARPC also recommends that the Village of Waunakee pursue the following to further improve water quality and environmental resource management:

- Continue to participate in regional water quality initiatives including Wisconsin Salt Wise, the Madison Area Municipal Storm Water Partnership, and Yahara WINs

- Promote the use of small-scale, green infrastructure stormwater practices, such as private rain gardens, downspout disconnection, porous pavements, and rainwater harvesting, to further increase the volume of infiltration achieved within the proposed development.

#### Statewide AWQM Plan Amendment

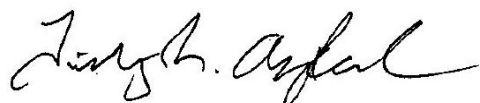
This amendment is a formal update to the state's Areawide Water Quality Management Plan and the Dane County Water Quality Plan and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part 35. This review is an integrated analysis action under s. NR 150.20(2)(a)3., Wis. Adm. Code. By means of this review, the department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Wis. Stats. The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities. The Village of Waunakee, consultants, and contractor should be aware of potential regulations and jurisdictional activities related to department program permitting, including but not limited to, waterways, wetlands, and stormwater programs.

#### Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the department, to file a petition with the appropriate circuit court and serve the petition on the department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,



Tim Asplund  
Monitoring Section Chief  
Bureau of Water Quality

Jason Knutson, P.E.  
Wastewater Section Chief  
Bureau of Water Quality

e-cc:

BetsyJo Howe – Water Resources Management Specialist, DNR Madison  
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